

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HUDSON TECHNOLOGIES, INC., et
al.,

Plaintiff,

-v-

RGAS, LLC,

Defendant.

21-CV-297 (JPO)

ORDER

J. PAUL OETKEN, District Judge:

Having reviewed the parties' letters addressing the remaining discovery disputes and scheduling orders at Docket Numbers 80-84, the Court rules as follows:

1. Defendant's motion to compel at Docket Number 80 is granted. Plaintiffs shall, within 14 days, produce their purchase data for the pertinent gases, including reclaimed gases, from June 2020 to present. While Plaintiffs may certainly argue that only virgin gases constitute "cover" for purposes of the UCC, it is premature to resolve that issue. Defendants should not be precluded from broad discovery that may potentially be relevant to its defenses to Plaintiffs' lost profits claims.
2. Plaintiffs' request at Docket Number 83 for an order maintaining Plaintiffs' Attorneys' Eyes Only ("AEO") designation with respect to their inventory is granted. The Court concludes that this information is sufficiently commercially sensitive that the AEO designation is proper and that Defendant will not be meaningfully prejudiced as a result.
3. The parties' proposed briefing schedule for summary judgment motions at Docket Number 82 is approved and so-ordered.

The Clerk of Court is directed to close the motions at Docket Numbers 80 and 83.

SO ORDERED.

Dated: July 15, 2022
New York, New York



J. PAUL OETKEN
United States District Judge